UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,727	10/29/2003	Hideo Kitami	Q78161	4052

23373 7590 10/14/2009

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
AJIBADE AKONAI, OLUMIDE

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
10/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/694,727	KITAMI ET AL.	
	Examiner	Art Unit	
	OLUMIDE T. AJIBADE AKONAI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7/30/3009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *18 and 23* is/are allowed.

6)☒ Claim(s) *1,3-5,7,9-11,13,15-17 and 19-22* is/are rejected.

7)☒ Claim(s) *2,6,8,12 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 30 2009 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 7, 9-11, 13, 15-17, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sodder et al 7,058,059** (**hereinafter Sodder**).

Regarding **claims 1 and 19**, Sodder discloses a wireless LAN terminal (network device, see fig. 1, p.3, [0031], [0033]) comprising: a reception means (208, see fig. 1, p.3, [0034]) for receiving a wireless LAN signal from another wireless LAN terminal (network device receiving a frame from another network

device or a host device via a data link layer, see fig. 1, p.3, [0030]-[0031], [0034]); an encapsulation means (212, see fig. 1, p.3, [0035], [0039]) for encapsulating the wireless LAN signal in OSI layer 2 by providing the wireless LAN signal with a header having its own terminal's MAC address as an originating MAC address and a wireless LAN base station's address as a destination MAC address (framing mechanism 212 encapsulating the received MAC frame into another Mac frame, see figs. 1 and 2, p.3-4, [0039]-[0041]), such that the encapsulated wireless LAN signal includes at least two headers, each including an originating MAC address and a destination MAC address (frame format 48 with field 52 and 52, and field 60 that comprises fields 26 and 28 or 38 and 40, indicating presence of two headers with MAC source and destination addresses respectively, see figs. 1 and 2, p.3-4, [0039]-[0040]); and a transmission means (220, see fig. 1, p.3, [0034]) for transmitting the encapsulated wireless signal to the wireless LAN base station (network device transmitting frames to the core edge devices, see p.3, [0031], [0034]).

Regarding **claim 5**, Sodder discloses a wireless LAN base station comprising: an encapsulation means (212, see fig. 1, p.3, [0035], [0039]) for encapsulating a wireless LAN signal destined for a first wireless LAN terminal in OSI layer 2 by providing the wireless LAN signal with a header having its station's MAC address as an originating MAC address and a second LAN terminal's MAC address as a destination MAC address , such that the encapsulated wireless LAN signal includes at least two headers, each including an originating MAC address and a destination MAC address (frame format 48

with field 52 and 52, and field 60 that comprises fields 26 and 28 or 38 and 40, indicating presence of two headers with MAC source and destination addresses respectively, see figs. 1 and 2, p.3-4, [0039]-[0040]); and a transmission means (220, see fig. 1, p.3, [0034]) for transmitting the encapsulated wireless LAN signal to the second LAN terminal (network device transmitting frames to the core edge devices, other network devices or host devices, see p.3, [0031], [0034], p.7, [0063]).

Regarding **claims 7 and 21**, Sodder discloses a wireless LAN terminal comprising: a reception means (208, see fig. 1, p.3, [0034]) for receiving a wireless LAN signal which is destined for another wireless LAN terminal and is encapsulated in OSI layer 2 by being provided with a header having a LAN station's MAC address as an originating MAC address and own terminal's MAC address as a destination address (network device receiving a frame from another network device or a host device via a data link layer, see fig. 1, p.3, [0030]-[0031], [0034]), such that the encapsulated wireless LAN signal includes at least two headers, each including an originating MAC address and a destination MAC address (frame format 48 with field 52 and 52, and field 60 that comprises fields 26 and 28 or 38 and 40, indicating presence of two headers with MAC source and destination addresses respectively, see figs. 1 and 2, p.3-4, [0039]-[0040]); an extraction means for extracting the wireless LAN signal from the encapsulated wireless LAN signal (204, see fig. 1, p.4, [0046], p.7, [0069]); and a transmission means (220, see fig. 1, p.3, [0034]) for transmitting the extracted wireless LAN

signal to said another wireless LAN terminal (network device transmitting frames to the core edge devices or host devices, see p.3, [0031], [0034]).

Regarding **claims 11**, **20**, and **22**, Sodder discloses a wireless LAN terminal comprising: a reception means (208, see fig. 1, p.3, [0034]) for receiving a wireless LAN signal which is transmitted from a first wireless LAN terminal and is encapsulated in OSI layer 2 by being provided with a header having its second LAN terminal's MAC address as an originating MAC address and a LAN station's MAC address as a destination address (network device receiving a frame from another network device or a host device via a data link layer, see fig. 1, p.3, [0030]-[0031], [0034]), such that the encapsulated wireless LAN signal includes at least two headers, each including an originating MAC address and a destination MAC address (frame format 48 with field 52 and 52, and field 60 that comprises fields 26 and 28 or 38 and 40, indicating presence of two headers with MAC source and destination addresses respectively, see figs. 1 and 2, p.3-4, [0039]-[0040]); and an extraction means for extracting the wireless LAN signal from the encapsulated wireless LAN signal (204, see fig. 1, p.4, [0046], p.7, [0069]).

Regarding **claim 13**, Sodder discloses a wireless LAN terminal comprising: a first reception means (208, see fig. 1, p.3, [0034]) for receiving a wireless LAN signal from another wireless LAN terminal (network device receiving a frame from another network device or a host device via a data link layer, see fig. 1, p.3, [0030]-[0031], [0034]); an encapsulation means for encapsulating the wireless LAN signal in OSI layer 2 by providing the wireless

LAN signal with a header having its own terminal's MAC address as an originating MAC address and a LAN station's MAC address as a destination MAC address , such that the encapsulated wireless LAN signal includes at least two headers, each including an originating MAC address and a destination MAC address (frame format 48 with field 52 and 52, and field 60 that comprises fields 26 and 28 or 38 and 40, indicating presence of two headers with MAC source and destination addresses respectively, see figs. 1 and 2, p.3-4, [0039]-[0040]); a first transmission means (220, see fig. 1, p.3, [0034]) for transmitting the encapsulated wireless LAN signal to the wireless LAN base station (network device transmitting frames to the core edge devices, see p.3, [0031], [0034]); second reception means for receiving a wireless LAN signal, which is destined for said another wireless LAN terminal (208, see fig. 1, p.3, [0034]) and is encapsulated in OSI layer 2 by being provided with a header having the wireless LAN base station's MAC address as an originating MAC address and a terminal's MAC address as a destination address (frame format 48 with field 52 and 52, and field 60 that comprises fields 26 and 28 or 38 and 40, indicating presence of two headers with MAC source and destination addresses respectively, see figs. 1 and 2, p.3-4, [0039]-[0040]); an extraction means for extracting the wireless LAN signal from the encapsulated wireless LAN signal received by the second reception means (204, see fig. 1, p.4, [0046], p.7, [0069]); and a second transmission means for transmitting the extracted wireless LAN signal to said another wireless LAN terminal (network device transmitting frames to the core

edge devices, other network devices or host devices, see p.3, [0031], [0034], p.7, [0063]).

Regarding **claims 4, 10 and 17**, as applied to claims 1, 7 and 13, Sodder discloses a channel setup means for setting a wireless channel of the reception means (inherent, since a channel needs to be set up between the network device, host device, and edge devices, see p.3, [0031]-[0034], p.5, [0051]).

Regarding **claims 3**, **9**, and **16**, as applied to claims 1, 7, and 13, Sodder further discloses a start/stop means for starting or stopping the reception means based on a request from said another wireless terminal and a state of communication with said another wireless terminal (see p.3, [0031]-[0034], p.5, [0051]).

Regarding **claim 15** as applied to claim 13, Sodder discloses wherein the first reception means and the second reception means operate in a time sharing manner using a common wireless LAN module and wherein the first transmission means and the second transmission means operate in a time sharing manner using a common wireless LAN module (see p.3, [0031]-[0034], p.5, [0051]).

Allowable Subject Matter

4. Claims 2, 6, 8, 12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18 and 23 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 5, 7, 11, 13, and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617